

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

General Star Indemnity Company et al.,

Case No. 24-cv-791 (NEB/DJF)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Brandon Venske et al.,

Defendant.

Plaintiffs filed the Complaint in this matter on March 7, 2024 (ECF No. 1). On June 14, 2024, because more than 90 days had elapsed since Plaintiffs filed the Complaint¹ and the docket did not establish proof of service, the Court issued an Order for Plaintiffs to either serve Defendants within 10 days or notify the Court of any good cause to the contrary (“June 14 Order”) (ECF No. 12). In its June 14 Order, the Court warned Plaintiffs that failure to comply with the Order could result in dismissal of this action under Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiffs have neither filed proof of service on the Defendants nor filed a letter establishing good cause for their failure to do so. Because Plaintiffs have failed to comply with the Court’s June 14 Order, the Court recommends dismissal of this action pursuant to Rule 4(m). Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”).

¹ Plaintiffs filed an Amended Complaint on March 14, 2024 and new summonses were issued March 15, 2024 (ECF Nos. 6, 9). Over 90 days had elapsed since the new summonses were issued.

RECOMMENDATION

Based on the foregoing, and on all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED WITHOUT PREJUDICE** against all Defendants pursuant to Fed. R. Civ. P. 4(m).

Dated: July 1, 2024

s/ Dulce J. Foster

Dulce J. Foster

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).